

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL HENRY,
Plaintiff,

v.

HOME DEPOT U.S.A., INC.,
Defendant.

Case No. 14-cv-04858-JST

**ORDER CONTINUING CLASS NOTICE
DEADLINES AND SCHEDULING
ORDER**

Re: ECF Nos. 72, 73, 74, 75

Pursuant to the Court's May 3, 2016 class certification order, ECF No. 65, both parties have submitted their proposed forms of notice and notice plans. See ECF Nos. 72, 75. However, the parties have also informed the Court that there is an overlapping class action currently pending in the Eastern District of California before the Honorable John A. Mendez. ECF Nos. 72, 73, 75; Bell et al. v. Home Depot U.S.A., Inc., No. 2:12-cv-02499-JAM-CKD. The defendant has also filed a motion to transfer venue of this action to the Eastern District of California based on the first-to-file rule. ECF No. 76. That motion will be heard by this Court on August 4, 2016. Id. In addition, the class representatives in the Bell case recently filed a motion to transfer venue to this district on convenience grounds. ECF No. 72 at 2.

The Court agrees with Home Depot that, "[g]iven the competing venue motions in both cases . . . , it would be inappropriate and confusing to class members to send out a class notice referencing this Court when venue for the case may change." Id. at 2. Instead, this Court believes that decisions as to the form of notice and notice plan should be deferred until both transfer motions have been decided. This will promote efficiency and eliminate the risk of conflicting decisions.

Accordingly, the Court now sets **September 9, 2016** as the deadline for parties to submit any modified proposed forms of notice and notice plans, if necessary due to transfer and/or

consolidation. The Court also adopts the following additional deadlines from the parties' May 26, 2016 Joint Case Management Statement:

Event	Deadline
Deadline for defendant to provide mailing addresses and email addresses for putative class members to the administrator	30 days after approval of class notice
Deadline for class notice to be mailed to class members	45 days after approval of class notice
Deadline for class members to opt out	60 days after mailing of class notice
Dispositive motion filing date	January 13, 2017
Discovery cut-off	March 1, 2017
Pretrial statement	April 4, 2017
Pretrial conference	April 14, 2017 at 2:00 p.m.
Trial	May 8, 2017 at 8:30 a.m.
Length of trial (in days)	Eight

This case will be tried to a jury.

Counsel may not modify these dates without leave of court. The parties shall comply with the Court's standing orders, which are available at cand.uscourts.gov/jstorders.

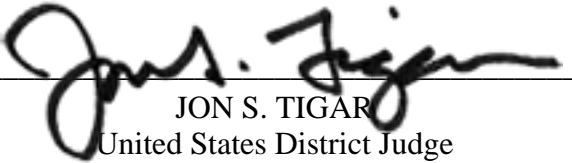
The parties must take all necessary steps to conduct discovery, compel discovery, hire counsel, retain experts, and manage their calendars so that they can complete discovery in a timely manner and appear at trial on the noticed and scheduled dates. All counsel must arrange their calendars to accommodate these dates, or arrange to substitute or associate in counsel who can.

Trial dates set by this Court should be regarded as firm. Requests for continuance are disfavored. The Court will not consider any event subsequently scheduled by a party, party-

controlled witness, expert or attorney that conflicts with the above trial date as good cause to grant a continuance. The Court will not consider the pendency of settlement discussions as good cause to grant a continuance.

IT IS SO ORDERED.

Dated: July 5, 2016


JON S. TIGAR
United States District Judge

United States District Court
Northern District of California